

JURY TRIAL, RIGHT TO -- No right to jury trial when prosecution uses discretion to file class 6 felony offense as class 1 misdemeanor
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In *Amancio v. Forster*, 196 Ariz. 95, 993 P.2d 1059 (App. 1999), the defendant was arrested for unlawful imprisonment, a class six felony, but the city prosecutor designated the offense as a class 1 misdemeanor, which would not entitle him to a jury trial. The defendant filed a special action arguing that he was entitled to a jury trial because the offense had been classified as a felony by the legislature. A.R.S. § 13-1303(A). The State argued that the city prosecutor's office filed the offense as a misdemeanor in a court of limited jurisdiction, and the city court had no authority to impose penalties greater than those allowed for class 1 misdemeanors. The Court of Appeals agreed that the defendant was not entitled to a jury trial, because "the mere classification of an offense as a felony does not necessarily mandate a jury trial when the legislature has also granted the prosecutor the discretion to charge the offense as a misdemeanor and this, long before trial, reduce the defendant's potential punishment." The Court reasoned that when the State "exercised its legislatively-granted discretion to charge the offense as a misdemeanor," "the mere initial classification of this offense as a class 6 felony does not make the offense jury-eligible." *Id.*, at 96, 993 P.2d at 1060.